

SPECIAL PROCESSING SUBMISSION

32692 Customer Number	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)	
Attention: Office of Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: 571-273-8300	First Named Inventor: KHIEU, SITHYA S.	
	Application No: 10/039957	Filed: December 31, 2001
	Title: MATRIX ELEMENT PAVEMENT MARKER AND METHOD OF MAKING SAME	
	Confirmation No. 8431	Examiner: Gary S. Hartmann

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office Notice or Action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

(1) The petition fee under 37 CFR § 1.17(m) will be paid at the time of EFS-submission. Charge any additional fees due, or credit any overpayment to Deposit Account No. 13-3723.

(2) Reply

A. The reply to the Communication Re: Appeal dated November 28, 2005 in the form of a Request for Continued Examination:

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$ _____:

has been paid previously on _____. Copies of the Issue Fee Transmittal form and postcard receipt are enclosed.

(3) Terminal disclaimer with disclaimer fee

- Since this utility application was filed on or after June 8, 1995, no Terminal disclaimer is required.
- A Terminal Disclaimer (and disclaimer fee) disclaiming the required period of time is enclosed.

(4) STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR § 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

May 10, 2006 By: /Carolyn A. Fischer/
Date Carolyn A. Fischer, Reg. No.: 39,091
Attorney/Agent of Record
Telephone No.: 651-575-3915

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

Enclosures: One copy of this sheet marked duplicate is also enclosed.
 Reply
 Terminal disclaimer
 Additional sheets containing statements establishing unintentional delay
 Other: _____